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Ming Hua Q. Yoon

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

ROBERT CHIN SUZUKI,
Plaintiff,

vs.

MING HUA Q. YOON,
Defendant.

CIVIL ACTION NO. 08-0005

ANSWER OF DEFENDANT
MING HUA Q. YOON

Comes now the Defendant Ming Hua Q. Yoon and for her answer to the Complaint filed herein by Defendant Robert Chin Suzuki states and avers as follows:

1. Defendant Yoon denies each and every, all and singular, the allegations contained in Plaintiff's Complaint except as same are herein specifically admitted.

2. In answer to paragraph 1 of the Complaint it is admitted that the Court has diversity jurisdiction and that it has supplemental jurisdiction pursuant to 28 U.S.C. §1367. Defendant is without sufficient information to form a belief that the matter at issue is more than \$75,000.00 and therefore denies jurisdiction on that basis.

1 3. In answer to paragraph 2 of the Complaint it is admitted Defendant resides in the
2 Commonwealth of the Northern Mariana Islands or had transacted her affairs in the CNMI.
3 Further Defendant admits the facts giving rise to this lawsuit occurred within this District.
4 Notwithstanding the foregoing statements, as Defendant Yoon has denied the Court has
5 jurisdiction based on lack of information that the matter in issue is more than \$75,000.00,
6 Defendant Yoon denies venue with this Court is proper.

7 4. Defendant Yoon is without sufficient information to form a belief as to the truth of the
8 allegations stated in paragraph 3 of the Complaint and therefore denies same.

9 5. Paragraph 4 of the Complaint is admitted.

10 6. Upon information and belief paragraph 5 of the Complaint is admitted.

11 7. Paragraph 6 of the Complaint is admitted.

12 8. In answer to paragraph 7 of the Complaint, upon information and belief it is admitted that
13 on October 24, 2007 at 8:10 a.m. Plaintiff was traveling south along the W2 Highway in Gualo
14 Rai, by the traffic intersection in Marpac. It is admitted that the vehicle driven by Defendant
15 Yoon collided with the passenger side of the Suzuki vehicle. Defendant Yoon is without
16 sufficient information to form a belief as to the truth of the allegations that the impact pushed
17 Mr. Suzuki's vehicle into the southbound inner lane, that Defendant Yoon again hit Mr. Suzuki's
18 vehicle on the cab and rear side causing Mr. Suzuki's vehicle to spin around and later stop on the
19 southbound inner lane facing west. The remaining allegations of paragraph 7, and in particular
20 that Defendant Yoon failed to yield the right of way in entering the highway, are denied.

21 9. In answer to paragraph 8 of the Complaint Defendant Yoon is without sufficient
22 information to form a belief as to the truth of the allegations that the force of the impact resulted
23 in injuries to Plaintiff and his vehicle being severely damaged and therefore denies same. Upon
24 information and belief it is admitted an ambulance was called and Plaintiff was taken to the
25 Commonwealth Health Center.

26 10. In answer to paragraph 9 of the Complaint it is admitted that the Department of Public
27 Safety investigated the accident. The remaining allegations of paragraph 9 are denied.

28 11. Paragraph 10 of the Complaint is denied.

12. Upon information and belief paragraph 11 of the Complaint is denied.

FIRST CLAIM FOR RELIEF: NEGLIGENCE

13. In answer to paragraph 12 of the Complaint Defendant Yoon re-states and incorporates herein her answers to paragraphs 1-12 hereinabove recited.

14. In answer to paragraph 13 of the Complaint Defendant Yoon is without sufficient information to form a belief as to the truth of the allegations as to the nature and extent, if any, of injuries, necessity for medical services and physical and emotional damages claimed by Plaintiff and therefore denies same. Defendant Yoon denies she was negligent or that her actions were the proximate cause of the damages claimed by Plaintiff.

15. In answer to paragraph 14 of the Complaint Defendant Yoon denies she was negligent or that her actions were the proximate cause of the property damage claimed by Plaintiff.

16. In answer to paragraph 15 of the Complaint Defendant Yoon denies she was negligent or that her actions were the proximate cause of damages such as lost wages claimed by Plaintiff.

17. In answer to paragraph 16 of the Complaint Defendant Yoon denies she was negligent or that her actions were the proximate cause of damages claimed by Plaintiff.

FURTHER ANSWER OF DEFENDANT

Comes now the Defendant Ming Hua Q. Yoon and for her further answer to the Complaint filed herein by Plaintiff Robert Chin Suzuki states and avers as follows:

1. Defendant Yoon denies that she was negligent or that her actions were the proximate cause of the damages claimed herein by Plaintiff.

2. Upon information and belief the proximate cause of the accident and the injuries and damages alleged by Plaintiff were the actions of Plaintiff himself and therefore his claims are barred or diminished by reason of his contributory negligence and/or comparative fault.

3. Defendant Yoon reserves the right to amend her answer filed herein and allege such additional affirmative defenses as same may be determined through discovery as applicable.

1 WHEREFORE Defendant Ming Hua Q. Yoon prays Plaintiff take naught by his
2 Complaint filed herein. That the costs of this action be assessed to Plaintiff and for such further
3 relief as the Court deems just and equitable in the premises.

4 CARLSMITH BALL LLP

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6 DATED: Saipan, MP, March 28, 2008.

/s/ John D. Osborn

JOHN D. OSBORN

Attorneys for Defendant

MING HUA Q. YOON